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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		ITL.0667US (P12985)	
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		09/974,923	October 10, 2001
		First Named Inventor	
		Kelan C. Silvester	
		Art Unit	Examiner
		2136	Carl G. Colin
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Timothy N. Trop	
<input checked="" type="checkbox"/> attorney or agent of record.		Typed or printed name	
Registration number <u>28,994</u>		(713) 468-8880	
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<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		January 11, 2006	
Registration number if acting under 37 CFR 1.34 _____		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☒ *Total of 1 forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Kelan C. Silvester

Serial No.: 09/974,923

Filed: October 10, 2001

For: Using a Communication
Protocol to Provide
Security Services

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Art Unit: 2136

Examiner: Carl G. Colin

Docket: ITL.0667US
P12985

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Pre-appeal review is requested with respect to the rejection of claims 1, 11, and 20 which raise similar limitations. Claim 1 calls for disabling an operation of wireless device that “fails to communicate with a base station over a limited wireless protocol.”

Crome only teaches disabling in the face of failure to authenticate. In the final rejection, the Examiner admits as much. Moreover, the Examiner now concedes that he is not relying on the GPS embodiment of Cromer. See the advisory action.

Therefore, the only basis for the rejection is that a failure to be authenticated amounts to a failure to communicate. But, necessarily, an authentication failure involves a communication. An authentication failure necessarily includes trying to communicate and being rejected, after communicating, for not being within the class of devices that are allowed to communicate.

Date of Deposit: January 11, 2006

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Cynthia L. Hayden
Cynthia L. Hayden

Thus, the rejection is not commensurate with the claims. The claims require that the failure to communicate be the basis for disabling an operation. The reference teaches that when authentication is denied, then communications would be cut off.

The Examiner asserts that the applicant is distinguishing a GPS embodiment, not another embodiment that the Examiner is relying upon. The Examiner cites column 8, lines 23-28, in the final rejection at paragraph 2.2. That language is in the reference's claims. It calls for disabling a portable computer in response to the portable computer being moved outside an authorized area for use. The only way that the cited reference teaches determining that something is outside the area of use is in response to a GPS determination. Nothing else is cited.

It is further suggested that a portable computer may be located within a room or building controlled by a gate that meets the recitation of a base station which includes a wireless transmitter/receiver for transmitting information to/from the portable computer from the gate. A bunch of things are cited, but none of them have anything to do with disabling an operation in response to a failure to communicate.

Column 3, lines 21-26, merely talks about authorized geographic area.

Column 3, line 61, through column 4, line 16, talks about a security unit determining whether a password is correct. But for the computer system to determine whether the password is correct it has to have a communication. Thus, cutting off communications in response to a failure of a password is not cutting off communications in response to a failure of communications, it is cutting off communications in response to a completion of communications, but the failure to properly be authenticated.

Column 4, lines 34-42, is also cited. Again, this talks about the failure to be authorized, which necessarily entails actually completing a communication. Plainly, the cited reference is exactly the opposite of what is claimed. It requires a communication in order to disable communications and never disables communications in response to any failure to communicate. The same effect is cited in column 5, lines 57-65. Again, this speaks of a password and the receipt of a password which necessarily requires a communication.

Claim 1 calls for disabling an operation of a wireless device that "fails to communicate with a base station over a range limited wireless protocol." Here, there is no failure to communicate and no disabling of an operation in response. To the contrary, there is a completed


communication and, upon the failure to provide the correct password, some type of disabling. Plainly, the cited reference fails to teach the claimed limitations.

It is believed that the Examiner concedes that, necessarily, the GPS embodiment, as the Examiner talks of it in the advisory action, necessarily fails to meet the claimed limitation.

Therefore, the rejection should be reconsidered.

Respectfully submitted,

Date: January 11, 2006



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